

83-119-1

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December 6, 1983

Mr. Mitchell Dozet, Director
Office of Institutional Collections
Division of Mental Health and
Developmental Services
105 Pleasant Street
Concord, New Hampshire 03301

Dear Mr. Dozet:

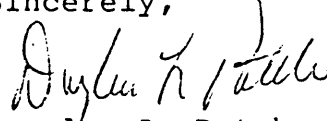
By letter dated October 7, 1983, you requested our opinion concerning the practice of billing involuntary patients admitted by court order or transfer from correctional facilities. We answered that any person who is a resident or patient at New Hampshire Hospital, Laconia State School or Glencliff Home for the Elderly, or his estate or any person chargeable with that person's support, may be billed. Further research reveals that our earlier response is not complete.

RSA 651:10 provides that a person may be transferred from prison to the state hospital by the governor and council or the superior court "to be there kept at the expense of the state. ..." Thus, if any prisoner is transferred to New Hampshire Hospital under the provisions of RSA 651:10, the State must absorb the expense of his care, treatment and maintenance. See In re Sargent, 116 N.H. 77 (1976). Other than this exception and the one provided in RSA 126-A:54, I, noted in our earlier opinion, however, billing may be performed as authorized by RSA 126-A:51.



Please let me know if you have any further questions.
Thank you for your cooperation in this matter.

Sincerely,



Douglas L. Patch
Assistant Attorney General
Division of Legal Counsel

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